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Attorney Dkt. No. 64688/155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Steven J. Soldin
Serial No. 10/073,334
Filed: 02/13/2002Group Art Unit: 1654
Examiner: Anish GuptaA divisional application derived from
Serial No. 09/643,723
Filed: 08/23/2000
For: A Novel 8.4 kDa ImmunophilinBY FACSIMILE TO 703-872-9306

RE-SUBMISSION OF AMENDMENT

Commissioner for Patents
Box 1450
Arlington, VA 22313-1450
Mail Stop: Non-Fee Amendment

Sir:

On 09/09/2004 the undersigned attorney received a telephone call from Examiner Gupta informing me that the captioned application had gone abandoned for an alleged failure to timely respond to an Office Action mailed 2/24/2004.

In point of fact, applicant had submitted the required Amendment under 37 CFR 1.111 on 03/16/2004 by facsimile to the TC 1600 auto-facsimile telephone number, and received by Auto-Reply Facsimile Transmission an immediate acknowledgement of the receipt by the Office on that date of the Amendment. We attach the necessary proofs plus a copy of the Amendment originally filed on 03/16/2004. Therefore, if the examiner has not received applicant's Amendment it is due to Office error.

It is requested that any Notice of Abandonment be voided, and the Amendment be entered.

Respectfully submitted,

Date of signature: 09/20/2004


Dr. Melvin Blecher

**Attorney for Applicant
Reg. No. 33,649**

**Law Offices of Dr. Melvin Blecher
4329 Van Ness St., NW
Washington, DC 20016-5625
T 202 363 3338
F 202 362 8404
e MBiplaw@comcast.net**

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Auto-Reply Facsimile Transmission



TO: Fax Sender at 2023628404
Fax Information
Date Received: 3/16/2004 4:58:48 PM [Eastern Standard Time]
Total Pages: 6 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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03/16/2004 17:54 2023628404 MBIPLAW PAGE 01
<p>LAW OFFICES OF DR. MELVIN BLECHER 4329 Via Ness Street, NW WASHINGTON, D.C. 20016-5429 Tel: (202) 369-3338 FAXSIMILE: (202) 362-8404 e-mail: bleckern@aol.com</p> <p>FACSIMILE MESSAGE — PLEASE DELIVER PROMPTLY</p> <p>CONFIDENTIAL TRANSMISSION. IF MISDIRECTED, PLEASE NOTIFY US BY TELEPHONE AND RETURN THIS ORIGINAL COPY TO THE SENDER.</p> <p>TO: Ashish Gupta, GAU 1654, TCH1600 Of: United States Patent & Trademark Office FAX NUMBER: 703-372-9306 FROM: Dr. Melvin Blecher DATE/TIME: 03/16/2004 OUR REF. NO.: 646884159 NO. OF PAGES (INCLUDING COVER): 5 Attorney Dkt. No. 846884158 In re: application of: Steven J. Goldin Serial No. 10/078,334 Filed: 02/19/2002 A divisional application derived from: Serial No. 09/643,723 Filed: 08/23/2000 For: A Novel 0.4 nM Immunophilin</p> <p>MESSAGE</p> <p>Enclosed is a non-fts, before-final Amendment under 37 CFR 1.111, consisting of:</p> <p>(1) An Amendment- 3pp (2) Clean copy of all claims- 2pp</p> <p>Authorization to file by facsimile: 37 CFR 1.8 and www.uspto.gov/september1/faxnotice.htm.</p>

PAGE 10 RCVD AT 9/16/2004 4:58:48 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNI:8729306 * CSID:2023628404 * DURATION (mm:ss):02:22

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LAW OFFICES OF
DR. MELVIN BLECHER
4329 Van Ness Street, NW
WASHINGTON, D.C. 20016-5625

SEP 20 2004

Tel:(202) 363-3338 FAXSIMILE: (202) 362-8404
e-mail: blecherm@aol.com

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TO: Anish Gupta, GAU 1654, TC1600 **OF:** United States Patent & Trademark Office
FAX NUMBER: 703-872-9306
FROM: Dr. Melvin Blecher
DATE/TIME: 03/16/2004
OUR REF. NO.: 64688/155 **NO. OF PAGES (INCLUDING COVER):** ~~7~~ 7
Attorney Dkt. No. 64688/155
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Authorization to file by facsimile: 37 CFR 1.6 and
www.uspto.gov/september11/faxnotice.htm.

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Examiner: Anish Gupta

BY FACSIMILE

AMENDMENT UNDER 37 CFR 1.111

Commissioner for Patents
Box 1450
Arlington, VA 22313-1450
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Sir:

This is a response to an Office Action mailed 2/24/2004.

In the claims:

Amend claim 1, subparagraph (iv) as follows:

(iv) capable of specifically binding FK-506, rapamycin, [or] pharmacologically active metabolites [or derivatives] thereof, or pharmacologically active derivatives of rapamycin, but not cyclosporin.

Cancel claim 8 and replace with new claim 9:

9. A mercantile kit for the determination of immunosuppressant drugs FK-506, rapamycin and pharmacologically active metabolites thereof and pharmacologically-active derivatives of rapamycin, in a fluid sample, comprising, in separate compartments: a recombinant 8.4 kDa immunophilin according to claim 7; optionally, one or more of unlabeled said immunosuppressant drugs or pharmacologically-active metabolites thereof and pharmacologically-active derivatives of rapamycin; and, optionally, one or more labeled said immunosuppressant drugs or pharmacologically-active metabolites or derivatives thereof.